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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,769	08/05/2003	Todd W. Goforth	IGT1P095/P-813	1651
22434	7590	07/27/2007	EXAMINER	
BEYER WEAVER LLP			WONG, JEFFREY KEITH	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			3714	
			MAIL DATE	DELIVERY MODE
			07/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/635,769

**Applicant(s)**

GOFORTH ET AL.

**Examiner**

Jeffrey K. Wong

**Art Unit**

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/5/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/14/2005, 12/22/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 1-20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no indication within the specifications of a wager-based gaming machine as disclosed in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Best (U.S. Patent 4,445,187).

Regarding Claims 1 and 12:

Best discloses a gaming machine including one or more speakers (fig. 1, elem. 25), a master gaming controller (col. 3, lines 50 - 51), and a digital sound system including at least one memory unit storing data, wherein said data comprises one or more wave

files, one or more sets of wave table data, or both, and a digital signal processor configured to produce audio output for said one or more speakers, wherein said digital signal processor is adapted to perform at least one function selected from the group consisting of generating original audio output and modifying existing sound files (col. 3, lines. 36 - 58; where an audio system contains memory for storing audio files and a digital-analog converter for sound reproduction and editing).

Regarding Claims 2, 11 and 17:

Best discloses an apparatus including a central processing unit master gaming controller (col. 4, lines 28 - 32), a programmable logic device event sequencer separate from and connected to said central processing unit (col. 4, lines 42 - 55; where cueing unit may be programmable to track different audio files depending on a specific application or use as is well known and established in the art), and a digital signal processor adapted to generate and control digital output, said digital signal processor being separate from and connected to said programmable logic device, wherein said programmable logic device is interposed between said central processing unit and said digital signal processor, such that said digital signal processor is unable to communicate directly to said central processing unit, and wherein said programmable logic device converts instructions from said central processing unit to instructions that can be executed by said digital signal processor (col. 4, lines 28 - 32; col. 4, lines 43 - 55; where a scheduling unit is a master controller, a cueing unit is an event sequencer, and a digital-analog converter is a digital signal processor which takes

instructions from a cueing unit).

Regarding Claims 3 - 6, 13 - 14 and 18:

Best discloses gaming machine wherein said digital signal processor is configured to alter musical or tonal parameters while a sound file is playing, is configured to synthesize music in real-time (col. 4, lines 8 - 15; where generic digitized audio may include music as is notoriously well known and established in the art), and is configured to provide audio output tailored to a player currently using the gaming machine, wherein said audio output is tailored by at least one or more parameters selected from the group consisting of language selection, gender selection, accent selection, and style selection (col. 6, lines 9 - 18).

Regarding Claims 7 - 9:

Best discloses a gaming machine wherein said digital signal processor is configured to recognize speech used by a player at or near the gaming machine, wherein said digital sound system further comprises a microphone, as well as speech recognition logic implemented on the digital signal processor (col. 6, lines 9- 18).

Regarding Claim 9:

Best discloses gaming machine wherein said digital sound system comprises additional memory for storing audio processing algorithms for execution on the digital signal processor (col. 4, lines 48 - 55; where data stored in a cue table is used to guide editing

of audio information).

Regarding Claim 10, Best discloses a gaming machine wherein said event sequencer is installed in a manner that prevents the digital signal processor from effecting operation of the master gaming controller (col. 4, lines 28 - 32; col. 4, lines 43 -55; where a cueing unit controls a digital signal processor and a digital signal processor is not directly connected to a master gaming controller processor).

Regarding Claims 15 - 16 and 19 - 20:

Best discloses an apparatus wherein said programmable logic device includes an event sequencer (col. 4, lines 28 - 32) and wherein said central processing unit includes a master gaming controller (col. 4, lines 43 - 55).

### ***Response to Arguments***

Applicant's arguments filed 3/7/2007 have been fully considered but they are not persuasive. Applicant alleges "In order to anticipate a claim, a reference must teach every material element of that claim. Applicants respectfully submit that Best does not disclose a "wager-based gaming machine," a "digital signal processor" (DSP) in any sense, or a DSP adapted to generate original audio output [or] modify existing sound files," as disclosed in the context of the present claims. Rather, Best discloses a simple video game type system that does not have anything to do with bets or wagers, does not include a digital signal processor, and does not include a DSP or similar component that generates original audio output or modifies existing sound files, unlike the

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advanced wager based gaming machines disclosed and claimed in the present application. As such, Best cannot be said to anticipate any of the present claims.”

In regard to Best not disclosing a wager-based gaming machine, the examiner respectfully disagrees. Best discloses that claimed invention in terms of an electronic game. Wager-based games such as slot machines are obviously considered electronic games to one of ordinary skill in the art. It is obvious that while Best does not disclose a wager-based game, the scope of the invention easily encompasses that of a wager-based game. Col. 18, lines 24 – 30 also gives weight toward the scope encompassing a wager-based games since such games are considered interactive and can also be viewed akin to vending machines or appliances.

In regard to the digital signal processor not being disclosed, the examiner respectfully disagrees. Applicant pointed out “Best does not disclose a digital signal processor. Rather, Best discloses only a simple digital to analog converter (D-A converter), which is not the same as a digital signal processor, as that term is known to those skilled the art. The Illustrated Dictionary of Electronics, Seventh Edition, Gibilisco, McGraw Hill, 1997, defines "digital signal processing (DSP)" as "A method of signal enhancement that operates by eliminating confusion between digital states ....It is used extensively in digital communication and recording, *often in conjunction with... digital-to-analog (D/A) conversion to enhance the quality of analog signals and recordings*" (emphasis added). The simple D-A converter in Best that the Office Action references as allegedly being a digital signal processor is not a digital signal processor.” By applicant’s own admission that a digital signal processor is used often in conjunction

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with a digital-to-analog converter, it should therefore be obvious to one of ordinary skill in the art at the time of the invention to incorporate a digital signal processor with a digital-to-analog converter into Best's disclosed invention as taught by the Illustrated Dictionary of Electronics.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.



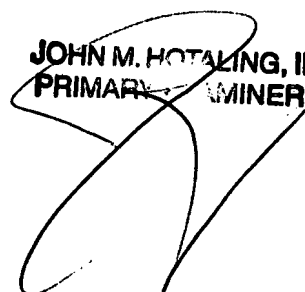
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKW 7/10/2007

**JOHN M. HOTALING, II**  
**PRIMARY EXAMINER**

A large, stylized handwritten signature in black ink is written over the printed name and title of the examiner.